

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 11-00485AG (AJWx)	Date	December 13, 2017
Title	LISA LIBERI ET AL. v. ORLY TAITZ ET AL.		

Present: The Honorable ANDREW J. GUILFORD

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] AMENDED ORDER STRIKING
COUNTERCLAIMS AND THIRD PARTY COMPLAINT**

This 2009 case continues in chaos, shaped more by personal disputes than coherent legal advocacy. On October 13, 2017, the Court set this case for trial in March 2018. The Court issues this order to, as much as now possible, move this case along. Fed. R. Civ. P. 1.

1. DEFENDANT’S “COUNTERCLAIM AND THIRD PARTY COMPLAINT”

On November 3, 2017, Defendant Orly Taitz and terminated Defendant Defend Our Freedoms Foundation, Inc., filed a document titled “Counterclaim and Third Party Complaint by Orly Taitz and Defendant Our Freedoms Foundation, Inc.” (Dkt. No. 753.) The 63-page document (complete with an additional 58 pages of exhibits) purports to allege seven new claims for relief. Defendant Taitz, the only remaining defendant in this case, previously filed a separate answer to Plaintiff Lisa Ostella’s complaint. (Dkt. No. 752.)

The “Counterclaim and Third Party Complaint” is inconsistent with the Court’s previous orders concerning this eight-year-old case. The Court allowed Plaintiff Ostella to amend her complaint to focus this litigation and to bring order out of chaos. (Dkt. No. 744 at 4–7.) Indeed, the Second Amended Complaint asserts only four claims for relief against only one defendant, Taitz. (*See* Dkt. No. 751.) But Defendant Taitz filed her “Counterclaim and Third Party Complaint” despite that call to order and with the trial date looming four months away.

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Defendant Taitz's filing is late, includes claims concerning parties long since dismissed from this case, does not comply with Federal Rule of Civil Procedure 13, and was filed without the Court's leave. (*See* Dkt. No. 227.) For these and other reasons, the Court STRIKES the "Counterclaim and Third Party Complaint" (Dkt. No. 753.) The Court also DENIES as moot Plaintiff's motion to dismiss the counterclaim and third party complaint. (Dkt. No. 767.) The Court VACATES the December 18, 2017 hearing on the motion to dismiss.

2. LETTER REQUESTS & SETTLEMENT

Because of the incredible number of filings in this case—now 771 docket entries and counting—the Court previously imposed a prefiling restriction, requiring the parties to submit letters to the Court requesting leave to file documents. (Dkt. No. 227 at 9–10.) The parties have sent the Court numerous letters (at least 18) including various requests and cataloging their grievances.

It appears from several of these letters that both sides are willing to settle this case with help from a third party. Indeed, Local Rules 16-15.1 and 16-15.2 require the parties to participate in alternative dispute resolution proceedings before going to trial. The Court will take the pending letter requests under submission until the parties **jointly file a single notice** that they have, in good faith, conducted settlement discussions before a third party. As provided in the Local Rules, the parties may choose to appear before a magistrate judge, before a neutral mediator selected from the Court's Mediation Panel, or before a private mediator. L.R. 16-15.4.

The Court sees no reason why this case shouldn't settle. Both parties face significant uncertainties moving forward. Looming large are the issues of potential sanctions (for both sides) and the difficulty a jury might have in slicing through this case's hazy facts. As the Court has observed, "the world is a different place since this case began." (Dkt. No. 744.) Accordingly, the Court encourages the parties to look soberly at what's at stake in this case, including the potentially significant costs of continuing this litigation. Indeed, a mutually agreeable solution may leave both parties in a better position than they would be if they choose to press on with their haphazard practices in this United States District Court.

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Further, the Court AFFIRMS the March 27, 2018 jury trial date and the February 26, 2018 pretrial conference date.

Initials of
Preparer

_____ : _____
lmb
